

**ENTERED**

September 20, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

1.959 ACRES OF LAND, more or less, in  
STARR COUNTY, TEXAS; et al.,

Defendants.

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CIVIL ACTION NO. 7:20-cv-00323

**ORDER**

The Court now considers the “Joint Motion for Order Establishing Just Compensation, Granting Possession, and Distributing Funds on Deposit in the Registry of the Court for Tract RGV-RGC-2001” filed by the United States and Defendants Socorro Molina Peña, Irma Serna Molina, Marco Arnoldo Molina, Jr., Luis Eduardo Molina, Irma Molina, Rebecca Molina, Veronica Molina, and Ameida Salinas, Starr County Tax Assessor/Collector.<sup>1</sup> Therein, the parties request the Court issue an order: (a) establishing twenty four-thousand dollars and 00/100 (\$24,000.00) as the total just compensation for interest taken in Tract RGV-RGC-2001<sup>2</sup> (the “Subject Property”); (b) granting the United States immediate possession of Tract RGV-RGC-2001; (c) disbursing the stipulated amount of just compensation; and (d) closing this case on the Court’s docket.<sup>3</sup>

As grounds for their motion, the parties provide that:

[t]he Parties confirm and agree that the full and just compensation payable by the United States for the taking of Tract RGV-RGC-2001 shall be the sum of twenty[-]four thousand dollars and 00/100 (\$24,000.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by

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<sup>1</sup> Dkt. No. 37.

<sup>2</sup> Dkt. Nos. 1-1 & 2-1 at 6–15 (Schedules C, D, and E).

<sup>3</sup> *Id.* at 2, ¶ 6.

the Defendants against the United States for the institution and prosecution of the above-captioned action.<sup>4</sup>

In light of this, the parties request that judgment be entered against the United States in the amount of twenty-four thousand dollars and 00/100 (\$24,000.00) for its condemnation of the stated interests or estates in the Subject Property, along with any accrued interest.<sup>5</sup> Based on the foregoing and because the parties agree on the amount of compensation, the Court finds that just compensation has been established.

Furthermore, the parties seek immediate disbursement of twenty-four thousand dollars and 00/100 (\$24,000.00) on deposit in the Registry of the Court, together with any accrued interest earned thereon from the initial deposit date of October 21, 2020,<sup>6</sup> to be disbursed as follows:

- **\$1,616.20** to “Starr County Tax Assessor/Collector,” account number 0055973, on account of the taxes owed on the subject property.
- **\$9,793.59** to “Rebecca Molina” with accrued interest from the date of deposit, on account of the combined 43.75% interest of Irma Serna Molina, Irma Molina, Rebecca Molina, Veronica Molina, Marco Arnoldo Molina, Jr., and Luis Eduardo Molina. These parties have agreed to disbursement of their just compensation amounts in a single check, which they will divide and distribute amongst themselves.
- **\$9,792.91** to “Socorro Molina Peña” with accrued interest from the date of deposit, on account of her 43.75% interest.
- **\$2,797.30** with accrued interest, will remain on deposit in the Court’s registry, pursuant to 28 U.S.C. § 2042, on account of the 12.50% interest of landowner Unknown Heirs of Constantino Garza Flores until such time any heirs should come forward to claim said funds.<sup>7</sup>

Defendants “warrant that they are the sole owners of the Subject Property (subject to the interest held by Unknown Heirs of Constantino Garza Flores) in the interest as stated above.”<sup>8</sup> They further

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<sup>4</sup> *Id.* at 2–3, ¶ 6.a.

<sup>5</sup> *Id.*

<sup>6</sup> Dkt. No. 5.

<sup>7</sup> Dkt. No. 37. Service by publication of the Unknown Heirs of Constantino Garza Flores was completed on June 23, 2021. *See* Dkt. No. 33. To date, no heirs have appeared in this case.

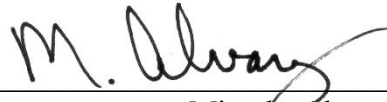
<sup>8</sup> Dkt. No. 37 at 4, ¶ 6.g.

warrant that “they have the exclusive right to the compensation herein, excepting unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.”<sup>9</sup> The parties further agree that Defendant Starr County Tax Assessor-Collector has a valid claim on a portion of the just compensation to be paid for the property, on account of taxes owed on the property.<sup>10</sup>

In light of the foregoing and because the order and motion are signed by all parties, the Court **GRANTS** the parties’ motion and enters a separate final judgment pursuant to the parties’ stipulations.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 20th day of September 2021.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez  
United States District Judge

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<sup>9</sup> *Id.*

<sup>10</sup> Dkt. No. 37-1 at 2, no. 5 (“Starr County Tax Assessor has asserted a claim that it is entitled to unpaid taxes and penalties on the subject property in the amount of \$1,616.20. Defendants have not contested the claim made by Tax Assessor and further agrees to disbursement of amounts to be made to Tax Assessor. As a result, Defendants and Tax Assessor are the only persons in this case with an identified interest in the subject property.”).